P.F. 11 of 94

G. R. S. IX-5]

Previous references.

1893 — 94

191 .

(L.R.)

File No. 102 of 94

Serial Nos. 1 — 6

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 — 6

Major ~~Part~~ B for July 1894

SUBJECT.

Appeal of Venkatadasaiah and five others of Dandina Sivara, Gubbi Taluk, regarding the Shanbhogi of Hosahalli and other villages in the said Taluk.

12/9/26

Rendered Rd. VNB

W D 1950—GPB—30,000 - 28-1-19

Declaration of the Plaintiff's Counsel

in the County Court held at [illegible] on 5/11/91

Plaintiff.

1. [illegible]
2. [illegible]
3. [illegible]

Defendant

Respondent.

1. The Plaintiff is the [illegible] of Kosfeld Road – Residential Council – Residential, Referred to in the Schedule below, & the Defendant Lessee of the Plaintiff –

2. The Defendant's Lessor is Caroline Isabella Kosfeld, Widow of Frederick Kosfeld deceased, who died in 1851 seised in Fee Simple of the Premises, that the Defendant's Lessor had no right to Grant the Plaintiff's Lease, that the Defendant's Lessor Caroline Isabella Kosfeld afterwards died intestate & that the Plaintiff is the Lessee of the Premises.

3. By the Lease the said Caroline Isabella Kosfeld demised the Premises to the Plaintiff for a Term of Twenty one years. Limited thereout a Yearly Rent & the Defendant has not paid the same –

4. The Defendant has no Possession

Plaintiff and Defendant No. 1 filed
the Written Statement of the Defendant No. 2
the Plaintiff was examined on behalf of
the Plaintiff and Defendant No. 1 was
examined on behalf of the Defendant No. 2
The Plaintiff's case is that the Defendant No. 1
executed a Mortgage Deed in favour of
the Plaintiff - Bank - Company
to secure the loan taken by the Defendant
No. 2 - a fact admitted
The Defendant No. 1 has denied liability
and contended that he has executed the
Mortgage in favour of Defendant No. 2
Defendant No. 1 was not liable for
the Plaintiff's claim -

5. Hence the issues framed for trial
in the suit, namely whether the
loan took place in June 1923.

Relief sought:-

(1) That the Defendant No. 1 the
Plaintiff Bank
the sum of Rs. 50,000/- with interest
from the date of the suit till the
realization of the amount
Defendant No. 1 be ordered to pay
the Plaintiff Bank the said amount
by the Defendant No. 2.

(2) That the Defendant may be ordered
by the decree that the said Mortgaged
property be sold for the realization
of the Plaintiff's claim in the suit
by the Court.

3

Translation of the written statement of the defendant —

Plaintiffs	Defendant
1. Venkataramaiya	[illegible]
2. Venkatappa	[illegible]
3. Venkataramanna	

1. The Shanbhogship of the 18 villages mentioned in the schedule referred to in the 8 para of the plaint does not belong to the hereditary vritti of the plaintiffs — it belongs to the hereditary vritti of [illegible] Krishnaiya.

2. Rama[illegible] grandfather of the plaintiffs had been for a few years before 18[illegible] conducting the duties of Shanbhogue in behalf of [illegible] ancestors. But when the Plaintiffs' father and their uncle [illegible] declined to vacate the office for [illegible], he in accordance with the practice then in force, filed a suit against them in the [illegible] Taluk in 18[illegible] for the recovery of the office of Shanbhogue of the 18 villages referred to in the schedule filed with the plaint. In the enquiry it having been proved from the records that Plaintiffs' grandfather and [illegible] ancestors were jointly conducting the duties connected with the above 18 villages the [illegible] of [illegible] Taluk decreed on the 10 February 18[illegible] that the Plaintiffs' father and their uncle should [illegible] to

Kurlunia half of the Ookl in the said 18 villages. Thereupon the Plaintiffs' father and their uncle preferred an appeal against the above decision to the Superintendent of the Cole Mehals Tributary Division who having expressed an opinion to the effect that proper proof were not adduced in support of Kurlunia's Ookl over Chandkarvi of the 18 villages and that though the Plaintiffs' father and their uncles were entitled to dismissal for charges of [illegible] and misjudgment, they had been enjoying the Ookl of [illegible] villages he was not disposed to maintain them, confirmed in accordance with the decision of the [illegible] half of the Ookl to Kurlunia and ordered on the 6 Septr 1851 that if the Plaintiffs' father and their uncle did not conduct themselves properly they would be dismissed the service. This decision, in conformity with the decision of the [illegible], conferred on Kurlunia half of the Ookl in the Chandkarvi and not in accordance with what is stated in para 2 of the plaint.

3. The division of family property having been effected between the Plaintiffs' father and their uncle, the Chandkarvi of the 18 villages was in the possession of the Plaintiffs and that of the 8 villages in possession of the Defendants had been in the respective enjoyment of the Plaintiffs' father and their uncle both before and after the passing of the aforesaid decree. During the execution of the decree

5 the said 18 villages used to be [illegible] for the delivery of half share to [illegible] in accordance with the decree - The [illegible] through his [illegible] 1857 (the authenticated copy of which is herewith forwarded) placed [illegible] in possession of the 8 villages which had been in possession of ~~[illegible]~~ [illegible].

(4) Since then the [illegible] having taken the [illegible] of the said 8 villages and having held possession and enjoyed ~~them~~ same died either in the latter portion of 1852 or in the beginning of 1853. He had no issue. In compliance with the Regulation of this [illegible] and in conformity with ~~the~~ [illegible] of the Superintendent of the [illegible] the [illegible] on the [illegible] of March 53 conferred the office of [illegible] on her Elder brother the defendant. Since then the defendant is not only a Registered [illegible] but is also in possession of and enjoying the same.

5. The Plaintiffs ~~have no manner of claim to the~~ are not in any way entitled to recover the [illegible] of the 8 villages held for [illegible] years in possession of the defendant.

6. The Plaintiffs' uncle [illegible] had lived more than 20 years after the Execution of the decree - till his death he was living separately and divided himself from the Plaintiffs' family.

the left-hand lower corner of the
Court House Chancery - to the Complaint
of the Plaintiffs are attached -
7. Which Subpoena is Register of the
Plaintiffs - is dated and duly filed
the Plaintiffs - the Defendants respectively
Respectively - and the Answer of the Plaintiffs
to the Bill of Complaint is dated
the Defendants respectively -
8. The Plaintiffs have not taken
the Bill taken pro confesso by the Plaintiffs'
solicitors and the same is not
decreed for, as prayed and Exhibits -
9. Neither the Plaintiffs nor any member
of their family are related to the Defendants -
The Plaintiffs are Executors Executrix
of the Testament of Susan Hayes -
The Bill of Complaint is duly filed
Item
10. The Defendants in the Bill
of Complaint is duly served with
of the Subpoena duly -
11. There is no cause of action for the Bill
of Complaint duly stated -
12. The proved
for the filing of the Bill of Complaint
is for a valid Debt that the Defendant
from the Plaintiffs is duly indebted
of the Plaintiffs is sufficient for the
Plaintiffs to apply to the Court of Justice - It
is proper to Equity to decree the Defendant
of the Office with the Costs of the Suit
and Expenses of the Plaintiffs -

7

13. Ille Lail i viaudraifille.

14. Ille Lail i Carred ly Cuiritatin

15. Ille Lail i Hat Cuchaineth.

16. Ille Kaudiffe ube Hat Cattle 4-

Cuyfeiff Lazyll for.

Ille Defendant pleads for the Defendant Hath Ille Lail Acquitted Cuiritatin with Cost

8 Jane Calvert's Affidavit sworn 4th
Nov. 1st & filed 5th referred case
No. 4.

Plaintiff — vs — Defendant

Plaintiff's Counsel — Solicitor
Plaintiff's Solicitor — Counsel
Defendant's Counsel

1. Whether right, title or interest of the
Defendant Calvert in the Lands in
question in 1825, the Plaintiff claims
were disposed of by the Calvert and
the Lease executed in the pleadings &
the Defendant.

2. Whether or not the mortgage by
the Plaintiffs to the Executors of the
Will were released by the Deed dated
& executed.

3. Whether the Deed executed by the
Lessors valid.

4 Whether the Agreement &
Assignment referred to by the Plaintiffs
may be given in evidence.

Appeal No 124 of 1893-94

Appl

Venkatarama et al
& 2 others

of Dandinasivira Gattihi Taluk
represented by Mr. D. Venkatarama
Advocate

Respts

1 Venkatalakshmamma

2 Narayanappa
represented by Mr. Srinivasa
Iyengar, Advocate.

Applicants' father was Ushanthog of 18 villages, but as there was a complaint of bribery against him & he was removed, the Govt. in Sept 1850 took away 8 villages from Ullen & gave them to one Krishnappa in 1850. Krishnappa died in 1856 & at the request of his widow & her brother Narayanappa was appointed Shanthog of the said 8 villages. Narayanappa died in 1893, & 1st respt is his widow & 2nd respt is her son-in-law. Lakshmi Devamma, the widow of Krishnappa died in 1889.

In June 1891 Appts brought a suit for the office of the 8 villages against 1st respt's husband Narayanappa who was then alive & it was dismissed by the Lower Courts. The appeal is against the dismissal of the suit.

~~The Deed is clear, bars by the Law of Limitation~~

In a case like this, in which the office was transferred by him to his heirs for offences committed by the Ancestors, there can be no Limitation, & even if a Deed could be brought it is clearly barred by the Law of Limitation. The Lower Courts Mr. ~~Dr Cruz~~ Mr. ~~Mr~~ Mr. ~~Mr~~ dismissed the suit. Appellant's father for whose misconduct, the Village in question was taken away from him is still alive - On his death, the Govt will consider whether, considering the fact that the Rectors or ~~not~~ the direct descendants of Dronacha who was appointed in 1857, the office cannot be re-transferred to Appellant

C
7/7/94

17 Home

Appeal No 124 of 1893-4

Respt.

Appts

Venkatramanja } Sons of
Venkatapataiya } Venkata-
Venkatramanaiya } -Subbaiya

1/ Venkatalakshamma widow of Narnappa who was alive when this suit was filed but on his death afterwards his widow was made party.

2. Narnappa, son in law of 1st Respt.

Appts' father Venkatasubbaiya (who is still alive) and uncle Venkatachalaiya were Shanbhogs of 18 Villages.

In 1850 one Krishnappa brought a suit for an Hukdar for half share of the office of the 18 Villages. The then Amildar gave decree in his favor but on appeal the Supt. Colonel Dobbs declared that Krishnappa had no Huk but ordered that as Venkatachalaiya and his brother were found guilty (in a miscellaneous enquiry) of Chapavani and misappropriation of Govt.

Cause
No 56 of 6-Sept. 1851.

Rec'd

a Writ of error has been dismissed.

~~On the death of the soldier~~ heirs

Their claim will be considered

on the death of their father

for ~~whom~~ whose services were taken away

from them

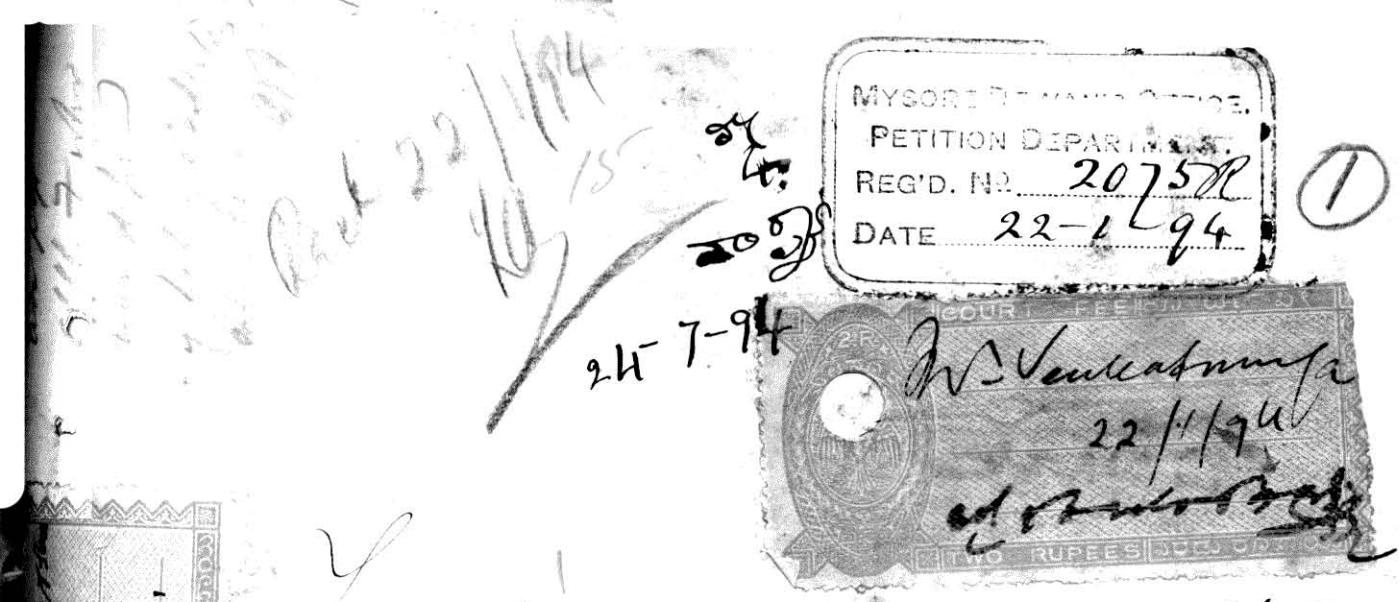
9/7

Drafted
2/27/17
drafted
SMR
1/7

14

against Narasappa
in Novr 1891. Narasappa
died, after the filing of
the Suit. In consequence
of his illness previous to
his death, he obtained
leave to the Substitute
of his son-in-law (daughter's
husband) ~~who called~~ also
called Narasappa (2^d Resp^t),
who continues to do
the work. & who ~~has~~
~~been Substituted~~ —
as well as Narasappa's
widow have been made
Defts (Resp^ts) on his death.

The Judgments of the
lower Courts & the appeal
petition are sustained



(1)

24-7-94

N. Venkatanna
22/1/94

Two Rupees Stamp

The Government of Mysore
A.S. No 124 of 93-94 Bangalore.
Revenue Appeal Suit No. of 1893-94

Appellants (Plffs)
1. Venkataramanaya
2. Venkata pathaiya
3. Venkatramanaiya
residents of Kodinasivara in the Nelli Taluk.

vs

Respondents (Defts)
1. Venkata Lakshmamma
2. Narnabba.

The appellants above named respectfully beg to appeal against the decision of the Deputy Commissioner of Tumkur District in Revenue Appeal Case No. 7 of 1893-94 on the following grounds:—

1. That both the Lower Courts erred in not considering the fact whether the respondents had any right to hold the office as against the appellants.

2. That the Lower appellate Court erred in thinking that it had no power to entertain the suit.

3. That the appellants are the

MYSORE REVENUE OFFICE.
PETITION DEPARTMENT.
REG'D. NO. 2075
DATE 22-7-94

(1)

15-5-94

21-7-94

V. Venkatasubbaiah
22/7/94

R.R. 102-93

In the Government of Mysore
H.C.S. No. 124 of 93-94 Revenue Appeal dated 15/3/94

Appellants (Plffs)		Respondents (Defts)
1. Venkatanarayana		1. Venkata Krishnamma
2. Venkatapathamma		2. Narasimha.
3. Venkatramanamma		
residents of Kadina-kunte in Malur Taluk.		

The appellants above named respectfully beg to appeal against the decision of the Deputy Commissioner Kolar District in Revenue Appeal Case No. 7 of 1893-94 on the following grounds:

1. That both the lower Courts erred in not considering the fact whether the respondents had any right to hold the office as against the appellants.

2. That the Lower Appellate Court erred in thinking that it had no power to entertain the suit.

3. That the appellants, the

PETITION DEPARTMENT
REG'D. NO. 2075
DATE 22-7-94

28/5/94

28/5/94

MYSORE REVENUE OFFICE
PETITION FOR REVISION
REGD. No. 23740
DATE 9-2-94

The petition is Readmitted as in Similar Petition No 38 of Rev Appeal No 89/93-94 posted to the 22nd instant for adjudication on the question of Stamps. As at present advised the Petr submit that the appeal Petition is properly stamped. The Petr pray that this petition may also be posted before the Council for adjudication on the question of Stamps.

Bangalore
9th February 1894

Rec'd 12/94
Vm. McKinna Esq
Advocate for Petrs

No 2374.

22 MAY 94

It having been decided in appeal No 89 of 1893-94 that appeals of this nature should be on a Stamp paper of Rs 10, this is returned for deficiency of Stamp with which it may be allowed anew

2nd May 1894.
22

B. Rice
for Chief Secretary.

huckdars, and, are entitled to the office.

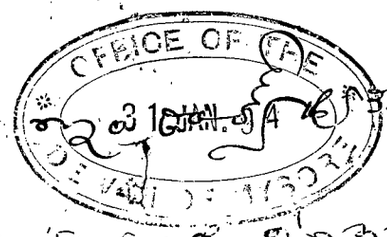
4. That the 2d. Appellant is living separately from the father.

For these reasons the Appellants pray that the Shanbogue's Free Land may be restored to them.

Bangalore
4th January 1894

D Venkatramaiya
Advocate for Appts

ಶೋರಾ
2075.



By order

Chief Secretary.

(General Serial No. 32.)

1894.

(2)

No. 3395

Name of Petitioner. Venkatasamiah + others
by Pet. D. Venkataramiah advocate

Village.

Taluk. Bangalore

District.

Date of Arzi. 28-5-94

Date of Receipt. 28-5-94

Date of Disposal.

No. of Enclosures. four

ABSTRACT.

Resubmits their appeal petition with proper valued stamps affixed

30/5.

vide SL 1. in this file
for the original petition

VG

11

[illegible] in stamp made
and appeal de[illegible]
in the time allowed
Subd for orders

/94

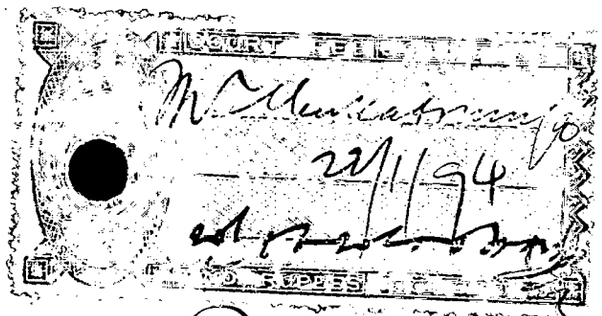
[illegible]
9/6.

[illegible] from a decree in a regular suit

hearing -
notice to both parties
for the proceedings -

L.R. 1892-93

5 July
[illegible]
6



18

ಕೋರ್ಟಿಗೆ

ಸಕ 1893 ನೇ ಇನಿ ನಂಬರ

ಗೆ

ಬರದು ಕೊಟ್ಟ ವಕಾಲತ್ ನಾನು ಈ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನನ್ನ ಪರವಾಗಿ ಕೋರ್ಟಿಗೆ ಹಾಜರಾಗಿ ಅರ್ಜಿ ನನ್ನೆದೆ ಕೊಟ್ಟು, ವಿವಾದಿಸಿ ಫೈಸಲ್ ಮೊಂದತಕ್ಕ ಬಗ್ಯ್ಯ, ಅಮಲ್‌ಜಾರಿ ನಡೆಸತಕ್ಕ ಬಗ್ಯ್ಯ ಮತ್ತು ನನಿಗೆ ಸ್ಸ್ಲತಕ್ಕ ಡಿಕ್ರಿ ಮೊಬಲಗು ದಸ್ತ್ವನಿಜು ವಸೈದೆ ತೆಗದುಕೊಂಡು ರಸೀದಿ ಕೊಡುವದಕ್ಕ್ಕು ಸಹಾ ತಮಗೆ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೇನೆ, ಆದ್ದರಿಂದ ತಾವು ನನಿಗೊಸ್ಕರ ಕೋರ್ಟಿಗೆ ಹಾಜರಾಗಿನಡಿಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ನಾನು ಖುದ್ದು ಇದ್ದು ನಡಿಸಿದಂತೆ ಹಿಡ್ಡುತ್ತೇನೆ.

ತಾರೀಖು
ಸಕ 189 ನೇ ಇನಿ.

ಗುರು

ಆಂಗೀಕರಿಸಿ ಇರುತ್ತೇನೆ.

ಈ ಮೊಕ್ತಾರ್‌ನಾನು ಕೊಟ್ಟವರು ನನಗೆ ಪರಿಚಯಸ್ಥರು ನನ್ನ ಸಮಕ್ಷಮ ಇದಕ್ಕೆ ಗುರು ಮಾಡಿ ಇದ್ದಾರೆ ಅದ್ದರಿಂದ ನಾನು ಸರ್ಟಿಫೈ ಮಾಡಿದ್ದೇನೆ.

ಬೆಂಗಳೂರು ವಿಚಾರದರ್ಪಣ ಪ್ರಸ್ ೧೪೯೩.

2033 — 22-6-94

MYSORE DEWAN'S OFFICE

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Petition No. 2075
3395
dated 4—1—94 received at the
Dewan's Office from [illegible]
and two others of [illegible]
Gubbi Taluk, appealing against
the decision of Mr. [illegible] in Civil
Appeal Suit No. [illegible] of 1893-94, regarding
the office of Shanbhog of [illegible]
here and [illegible] villages in the
Gubbi Taluk
is forwarded, together with its four
enclosures, to the Chief Commissioner
of Mysore District, for sub-
mission of the proceedings
relating to the case before
the Sessions Court.

The Petition, with its
enclosures, should be return

By Order,

20/6/94

Bangalore,
June 1894

for Chief Secretary.

M.G.C.P. Bangalore.—8-5-94.—1,000.

19060

21

(General Serial No. 30.)

1894. Pet 832

Sir,

I am directed to forward herewith a petition dated the 5th July 1894.

From The Deputy Commissioner Tumkur District

To The Chief Secretary to the Government of Mysore.

Dated 29th June 1894

Despatched 25th do

Received

Enclosures No. 2 files

General No. 1044

No.

Sir,

I have the honour to submit the entire proceedings in connection with the Revenue and Judicial cases of 1891 regarding the office of Shanbhog of Gidlahalli and other matters in the Gidlahalli Taluq.

I have the honour to be,
Sir,
Your most obedient servant,
Deputy Commissioner,
Tumkur District.

Vide draft
SKR 17/7/94

Peta
27.6.94

Rec'd 28/6.

Dr K. Iyengar
Please translate
(1) Petition
(2) written Statement
(3) Views
(4) Exhibits bearing on the case
bearing on the case.

21/29/6

L2. 102. 93-4

23

Before the Government of *His Highness* the Maharaja of Mysore.

(6)

Appeal No. 124 of 1893-94

Appellant.

Venkatavaramiah, ~~raised his brothers~~ of Dandinasivara Gubbi taluk, represented by Mr D. Venkatramaiya advocate

Vs.

Venkatapathi

Respondent.

1. Venkatalakshmamma
2. Narsinappa represented by M. L. Srinivasa Iyengar advocate

L.R. 102-93-5

Decision. 9-7-94

Appellant's father was the Shanbhog of 18 villages, but as there was a complaint of bribery & against him and his brother, the then Division Superintendent took away 8 villages from them and gave them to one Krishnappa in ~~1850~~. Krishnappa died in 1856 and at the request of his widow, her brother Narsappa was appointed Shanbhog of the said 8 villages. Narsappa died ~~dec~~ in 1893 and 1st Respondent is his widow and 2nd Respondent is her

× 6 Sep 1854
× 1857

son-in-law. Lakshmi Devamma, 24
the widow of Krishnappa died
in 1889.

2. In November 1891, Appellant brought a suit for the Office of the 8 villages against 1st Respondent's husband Narayanappa who was then alive, and it was dismissed by the Lower Courts. The appeal is against the dismissal of the suit.

3. In a case like this in which the Office was transferred by Government to a third party for offences committed by the hakdars, there can be no suit, and even if a suit could be brought, it is clearly barred by the Law of Limitation. The Lower Courts have therefore properly dismissed the suit. Appellant's father, for whose misconduct the villages in question were taken away from him, is still alive. On his death, the Govt. will consider whether

22

No. 1193

Revenue Files

Deputy Commissioner's Office,
Tinnevelly District.
Dated 23rd June 1894.

To,
The Chief Secretary to the
Government of Madras.

Sir,

I am called for in your
Official Communication No. Ret. 2039 dated
20th June 1894 received today, I have
the honor to submit herewith the
entire proceedings in connection
with the Revenue Appeal Case No.
5 of 1893-94 regarding the office of
Shanbogue of Thoothoor and other
villages in the Quilon Taluq.

2. The petitioner's petition enclosed
received with the Karnam inquiry
&c. herewith returned. —

I have the honor to be,
Sir,
Your most obedient servant

[signature]

Deputy Commissioner.

No. 2075 26

24-7-94

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT. (5)

18-7-1894 / 24 Venkatapathi

Endorsement granted to Venkataramaniah and Venkataramanayya of Dandinaswara, Gubbi taluk, (by M/s D. Venkataramiah advocate)

in reply to their Petition Registered No. 2075 dated 4th January/94 appealing against the order of the Deputy Commr in Rev. appeal No 7 of 1893-94 ~~regarding their~~ dismissing their claim for Shambhogi of Hottekere and 7 other villages in the Gubbi Talk

Petitioners are informed that their appeal has been dismissed Their claim will however be considered on the death of their father for whose misconduct the villages were taken away from him

2 The enclosures are returned

L.R. 102-93-6

18/7

Receipt

"By Order"

Chief Secretary.

S.R.R. 17/7

M. G. C. P, Bangalore—6-3-94.—2000.

28/18/7

25

whether, considering the fact that the Respondents are not the direct descendants of Virabhadrappa who was appointed in 1851, the Office cannot be re-transferred to appellants

By order

Chief Secretary

18/7 No 1341 dt 18-7-94
23-11-94 dt 18-7-94 25

Copy to the Deputy Commr Dumkur Dist, forwarding the vernacular proceedings received with his No 1049 dated 23rd June 1894.

By order

Chief Secretary

Record

Comml order

S. Vkl

17/7

Vkl 18/7

Printed Extracts

21/7/7 attd 25 Jun